

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

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HERMAN CUNNINGHAM  
Plaintiff,

Case 1:19-cv-02853-TWT-LTW

vs.

AMENDED COMPLAINT-  
JURY TRIAL REQUESTED

RAS CRANE LLC  
Defendant.

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Plaintiff amends his Complaint under Rule 15 as of right and alleges upon  
information and belief as follows:

- 1- Plaintiff, Herman Cunningham (“Cunningham” or “Plaintiff”), brings this lawsuit against RAS Crane LLC (“RAS”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).
- 2- RAS is a debt collection law firm that represented Plaintiff’s mortgage lender.
- 3- RAS attempted to enforce a security interest upon Plaintiff’s home located at 5024 Klondike Rd., Lithonia, GA 30038.
- 4- RAS attempted to conduct a non-judicial foreclosure on Plaintiff’s home
- 5- The non-judicial foreclosure is the subject of a federal lawsuit pending in the Northern District of Georgia with a case number of 1:19-cv-02296-TWT.

6- RAS took or threatened to take nonjudicial action to effect dispossession of Plaintiff's home.

7- RAS attempted to dispossess plaintiff of his home when it had no right to do so.

8- In 19-cv-2296-TWT (Dkt. 11, Page 7), referenced above, the Court found that based on testimony and evidence, Plaintiff had a substantial likelihood of showing that this foreclosure and this foreclosure attempt was wrongful.

9- Plaintiff suffered emotional distress damages, including frustration, stress, irritation and anxiety as a result of Defendant's conduct.

10- Additionally, Plaintiff needed to hire and pay an attorney to ensure that his home was not wrongfully taken away from him.

11- RAS is liable to plaintiff because it is taking or threatening to take non judicial action, which it does not have the right to do, to dispossess Plaintiff of his home.

12- This conduct is a violation of the FDCPA at 15 U.S.C. 1692f(6)(A).

13- Plaintiff is a consumer as defined by the FDCPA.

WHEREFORE, plaintiff requests that the Court enter judgment in his favor and against RAS Crane LLC for:

(1) Appropriate actual and statutory damages;

- (2) Litigation expenses, attorney's fees and costs of suit;
- (3) Such other or further relief as the Court deems proper.

JURY TRIAL DEMAND

Plaintiff demands a jury on all issues so triable.

Dated this 10th day of July 2019.

Respectfully submitted,

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